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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,442	09/08/2003	Dov L. Randall	0112300-1627	1420

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BELL, BOYD & LLOYD LLP
P.O. Box 1135
CHICAGO, IL 60690

EXAMINER	
RENDON, CHRISTIAN E	
ART UNIT	**PAPER NUMBER**
3714	

NOTIFICATION DATE	DELIVERY MODE
05/21/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@BELLBOYD.COM

Office Action Summary	Application No.	Applicant(s)	
	10/657,442	RANDALL ET AL.	
	Examiner	Art Unit	
	Christian E. Rendón	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-67* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-67* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on August 24, 2006 in which applicant amends claims 1, 4, 10, 18, 21, 28, 37, 40, 44, 46, 48, 51, 56-60, 62-64, and 66-67, and responds to the claim rejections. Claims 1-67 are still pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 9-15, 17-24, 26-27, 29-34, 36-43, 45-54 and 56-67 are under 35 U.S.C. 102(e) as being anticipated by Palmer et al. (US 2003/0045348 A1). The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

2. Regarding claims 1-5 and 9, Palmer discloses another variation of an award offer and termination bonus scheme during a bonus round (par. 6, line 2-4). The game begins with the processor deciding or selecting from a large pool of possible awards (par. 41, lines 1-4) a value for each masked selection box (Fig. 1, 102, 104, 106) or offer component. In the main embodiment the player chooses to activate an initial award offer by selecting a box (par. 6, lines 4-6) therefore

deactivating the other choices. However, Palmer discloses another embodiment that has the processor selecting an initial award offer (par. 41, lines 1-4), therefore activating the value for the player. A total offer that is based on all of the activated offer components is displayed in the 'Award Offer' box (Fig. 3C, 113-114). In one embodiment the player is allowed to accept or reject the offer at this point in the game (par. 49, lines 7-9). However in the main embodiment, the player can only accept or reject an award after it is modified by the 'point values' (Fig. 3H, 140, 142). If the player rejects the offer, the game continues (par. 49, lines 1-3) by making the player choose another masked point value or component number modifier from the selection boxes that will further adjust the previous award (par. 50, lines 1-17). The 'point values' or component number modifiers that appear in the selection boxes are randomly selected from a range of possible 'point values' (par. 46, lines 3-8). Therefore, these 'point values' are independent of the possible award values since the points are defined or selected from a different pool (par. 46, lines 4-5).

3. Regarding claims 6-7, 14-15, 23-24, 33-34, 42-43 and 53-54, Palmer discloses that the entire award offers or offer component are assigned different weighted factors or probabilities. Therefore the higher the weighted factor or probability the greater chance of being selected (par. 41, lines 12-15).

4. Regarding claim 10-13 and 17, the above description of the prior art and how it applies to the applicant's limitations are applied to this rejection as well. Palmer discloses a triggering event in the main game that will initiate the bonus game (par. 26, lines 2-3).

5. Regarding claim 18-22 and 26-28, the above description of the prior art and how it applies to the applicant's limitations are applied to this rejection as well.

> "change the selection of a number of said selected offer components, wherein the number of changed selected offer components is at least one and based on the value associated with the selected component number modifier"

This line is interpreted as using a modifier as the basis for the alteration of an offer value, which is a limitation disclosed by the prior art. The limitation of a processor selecting a component number modifier after a player rejects an offer is also found in the prior art (par. 50, lines 1-17).

6. Regarding claim 29-32 and 36, the above description of the prior art and how it applies to the applicant's limitations are applied to this rejection as well.

7. Regarding claims 37-41 and 45, the above description of the prior art and how it applies to the applicant's limitations are applied to this rejection as well. Palmer discloses that a player is able to alter the offer with a point value or component number modifier that represents a positive or negative number (par. 50, lines 12-23 & Fig. 3F-3J), resulting in an increased or decreased offer.

8. Regarding claims 48-52, the above description of the prior art and how it applies to the applicant's limitations are applied to this rejection as well.

9. Regarding claims 56-57 and 66-67, the above description of the prior art and how it applies to the applicant's limitations are applied to this rejection as well.

10. Regarding claims 58-65, the above description of the prior art and how it applies to the applicant's limitations are applied to this rejection as well.

"the negative value wherein the number of selected offer components deselected is based on the associated negative value"

This line is interpreted as once the negative point value or component number is applied to the offer the original offer is deselected or dismissed (Merriam-Webster's Online Dictionary, 10th Edition Copyright 2005 by Merriam-Webster) from the player's view.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8, 16, 25, 28, 35, 44 and 55 are rejected under 35 U.S.C. 103(a) as being obvious over Palmer et al. (US 2003/0045348 A1) in view of one of ordinary skill in the art. The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

11. Regarding claims 8, 16, 25, 35, 44 and 55, the above description of the prior art and how it applies to the applicant's limitations are applied to this rejection as well. Palmer discloses using higher weighted averages on the values that will yield a higher award value (par. 51). However, Palmer is silent about using weighted averages to lower the probability of the player receiving a high value award. It would have been obvious to one of ordinary skill to implement a lower probability for high value awards as a method of motivating the player to continue playing without

having the house lose large amounts of money. In other words, five-dollar prize awards would occur more often then 50,000-dollar prize award.

12. Regarding claim 28, the above description of the prior art and how it applies to the applicant's limitations are applied to this rejection as well. Palmer discloses that the display devices for the bonus game can contain objects like dynamic lights, reels, wheels (par. 29, lines 5-9) and a touch screen to allow the player to make a input decision (par. 33, lines 2-4) between objects that look like buttons or cards (Fig 3E, 120, 122, 124). However Palmer remains silent about using dice to select a component number modifier. The use of dice instead of buttons is deemed a matter of decision choice since both schemes select a modifier through the use of a pseudo random algorithm for the player. Therefore it would have been obvious to one skilled in the art to change the interface of the bonus game to suit the theme of the gaming device.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian E. Rendón whose telephone number is 571-272-3117. The examiner can normally be reached on 9 - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christian E Rendón
Examiner
Art Unit 3714

CER

Ronald Laneau

RONALD LANEAU
PRIMARY EXAMINER

5/14/07